

REMARKS

Claims 36-52 and 54, 55 and 57-58 are pending. Claims 36, 49, 52 and 54 have been amended. Claims 53 and 56 have been canceled. Support for the amendment to the claims can be found, for example, at page 70, lines 13-15 of the application as filed. No new matter has been added.

Obviousness Type Double Patenting Rejection

Claims 36, 37, 49, 50, 51, 54 and 56-58 are rejected under the judicially created doctrine of obviousness type double patenting as allegedly being unpatentable over claims of U.S. Patent No.: 6,312,689. Without conceding the issue, Applicants submit herewith a Terminal Disclaimer to overcome the rejection.

Claims 36-48 and 52 are rejected under the judicially created doctrine of obviousness type double patenting as allegedly being unpatentable over claims of U.S. Patent No.: 6,352,832. Without conceding the issue, Applicants submit herewith a Terminal Disclaimer to overcome the rejection.

Rejection Under 35 U.S.C. §112, first paragraph

Claims 36 and 53 are rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the enablement requirement. According to the Office Action, "there is insufficient evidence that the administration of a humanized immunoglobulin having binding specificity for CCR2 would correlate with in vivo efficacy in humans resulting in successful treatment of HIV."

Applicants respectfully disagree and assert that based upon the knowledge in the art at the time of filing regarding the role of CCR2 and HIV ligand interaction in HIV infection, a skilled artisan would have sufficient evidence of in vivo efficacy. However, solely in the interest of expediting prosecution of this application, Applicants have canceled claim 53 and amended claim 36 to recite disorders mediated by activation of CCR2 by binding of a chemokine. Since

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HIV is not a chemokine, the claims as amended do not include HIV infection. Therefore, Applicants respectfully request that this rejection be withdrawn.

Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket no. 10448-217002.

Respectfully submitted,

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